

## **REMARKS**

Claims 1 – 4 continue to be in the case.

Claims 1 to 4 are being amended.

Claim 1 is amended based on the language of claim 2 and on Fig. 3.

New claims 5 through 19 are being introduced.

New claim 5 is based on the language of claim 1.

New claim 6 is based on the language of claim 2.

New claim 7 is based on the language of claim 3.

New claim 8 is based on the language of claim 4.

New claim 9 is based on the Fig. 3.

New claim 10 is based on the Fig. 3.

New claim 11 is based on the Fig. 3.

New claim 12 is based on the language of claim 5 and 6.

New claim 13 is based on the language of claim 6.

New claim 14 is based on the language of claim 7.

New claim 15 is based on the language of claim 8.

New claim 16 is based on the Fig. 3.

New claim 17 is based on the Fig. 3.

New claim 18 is based on the Fig. 3.

New claim 19 is based on the language of claim 1.

The Office Action refers to *Claim Objections*

The claims stand objected to because they include reference characters which are not enclosed within parentheses.

Reference characters corresponding to elements recited in the detailed description of the drawings and used in conjunction with the recitation of the same element or group of elements in the claims should be enclosed within parentheses so as to avoid confusion with other numbers or characters which may appear in the claims. See MPEP§ 608.01 (m).

Claims 1 to 4 have been amended to have the reference numerals surrounded by parentheses.

Furthermore, the claims are objected to as being incomplete because the claims should be understood without the reference numbers in parentheses. In the instant application, the reference numbers in the claims recite a claim limitation that cannot be determined since the number is only a number and not structure as required.

The reference numerals in the claims are now all surrounded by parentheses.

*The Office Action refers to Claim Rejections - 35 USC § 103.*

2. Claims 1 and 4 stand rejected under 35 U.S.C. 103(a) as being obvious over Yang (5,449,079). Yang discloses the limitations of the claims including a cover (figs. 1-7) comprising a shell (2) spherical projection with cylindrical cavity (200), openings (202),

valve head (23), circular plate with triangular edge (annular extending portion of valve 23), gasket (240), sleeve (through hole housing valve 23) with flange (flat portion extending radially outward from sleeve) and rib (portion extending downward from flange), pin (231), bonnet (21) with ribs (upwards extending portion of bonnet 21). Yang excludes what would have been obvious to one of ordinary skill in the art at the time of invention, having an elliptical outline pointed towards the inside of the container in order to facilitate design choice and add an aesthetic element to the container cover. Moreover, a change in form or shape is generally recognized as being within the level of ordinary skill in the art, absent any showing of unexpected results. *In re Dailey et al.*, 149 USPQ 47. A Change in aesthetic (ornamental) design generally will not support patentability. *In re Seid*, 73 USPQ 431.

Claim 1 requires that there is a hollow (2) in the bulged upwards shell. No such hollow is present in the reference Yang.

Claim 1 requires that there is a spherical projection pointing upwards in the hollow. No such projection is taught or suggested in the reference Yang.

Applicants are amending claim 1 by introducing the following additional language into claim 1: “wherein the valve head (6) has the form of a circular plate (7) attached in the middle to a cylindrical stem and wherein the cylindrical stem is moveably supported in the opening (5).”.

The reference Yang fails to teach the circular plate (7) of applicants’ construction..

The reference Yang fails to teach a cylindrical stem movably supported in an opening (5), Thus it is believed that claim 1 and 4 as amended patentably distinguish over the reference Yang,

As far as claim 4 is concerned, neither the reference Yang nor the reference Pan teaches a bonnet (13) with distancing ribs (14).

3. Claims 2 and 3 stand rejected under 35 U.S.C. 103(a) as being unpatentable over the references as described in par. 2 in view of Pan (4,210,255). The references as described in par. 2 disclose the limitations of the claims substantially excluding what Pan teaches, a head valve (fig. 2,13) being installed loosely in an opening (11) in order to allow air to exit the container. Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to modify the references as described in par. 2 with the aforementioned structural features in order to have an alternate route whereby air exits the inside of said container.

The reference Yang is respectfully traversed as above..

The reference Yang refers to a “sealed vacuum container system”.

The reference Pan refers to a “Self-venting end unit for pressure packaging.”

Whereas Yang sets up evacuated containers, the reference Pan packages goods which release gases during storage and provides vent passages 20 for letting the developed gases vent. A person of ordinary skill in the art seeking to improve the vacuum container of Yang would not look to a venting reference in order to improve vacuum generation.

Claim 2 requires a presence of an edge (8) with a triangular outline on the circular plate.. No such edge on a circular plate is taught in the reference Yang or in the reference Pan.

The Office Action refers to *Conclusion*

4. Applicant is duly reminded that a complete response must satisfy the requirements of 37 C.F.R. 1.111, including: "The reply must present arguments pointing out the specific distinctions believed to render the claims, including any newly presented claims, patentable over any applied references. A general allegation that the claims "define a patentable invention" without specifically pointing out how the language of the claims patentably distinguishes them from the references does not comply with the requirements of this section. Moreover, "The prompt development of a clear Issue requires that the replies of the applicant meet the objections to and rejections of the claims." Applicant should also specifically point out the support for any amendments made to the disclosure. See MPEP 2163.06 and MPEP 714.02. The "disclosure" includes the claims, the specification and the drawings.

The new claims 5 to 19 have been drafted to define the present invention over the references Yang and Pan.

Claim 5 requires "a hollow (2) having an elliptical outline pointed downwards and towards an inside of the container and disposed in said shell" and "a spherical projection (3), pointed upwards, and disposed in the hollow;". These features are not taught in the references Yang and/or Pan.

The references Yang and/or Pan further fail to teach the features of the clause of claim 5: “a valve head (6) formed as a circular plate (7) attached on a lower side in a middle to an end of a cylindrical stem and wherein the cylindrical stem is moveably supported in the opening (5).”.

Claim 6 includes the features: “a gasket (9) disposed on the bottom of the cylindrical cavity;”, ”an edge (8) disposed on the circular plate (7), having a triangular outline for engaging with the gasket (9), “, and ”a sleeve (10) ending with the flange (11) with distancing projections in the form of radial ribs, wherein the head valve is installed loosely in the opening (5) by means of the sleeve (10).”. These features of claim 6 are patentably distinguishing claim 6 over the references Yang and Pan.

Claim 7 requires that “a pin (12) disposed on the circular plate (7) on an upper side of the circular plate (7) disposed opposite to the cylindrical stem and wherein the pin (12) extends beyond the circular plate (7)” and the references Yang and/or Pan fail to teach a such disposed pin..

Claim 8 requires that “a bonnet (13) disposed below a bottom end of the cylindrical stem;” and that ”distancing ribs (14) attached to the bonnet (13).”.. No

“distancing ribs (14) attached to the bonnet (13).” Are found in the references Yang and/or Pan.

Claim 9 requires that the gasket (8) is ring shaped, that the gasket (9) surrounds the cylindrical stem, and that the gasket (9) is seated at the bottom of the cylindrical cavity (4). These three features of claim 9 are clearly outside the scope of the references Yang and/or Pan.

Claim 10 states that “the spherical projection (3) includes an inner ring and an outer ring and wherein a free end of the bonnet engages between the inner ring and the outer ring.” Such a spherical projection (3) is outside of the teaching of the Yang and/or Pan references.

Claim 11 sets forth that “the cylindrical stem and the circular plate (7) are disposed axially aligned with the cylindrical cavity (4)” and that “the edge (8) of the circular plate is axially aligned with the gasket (9)”. Both features of claim 11 are absent from the references Yang and/or Pan.

Each of the following clauses of claim 12 is deemed to patentably distinguish claim 12 from the references Yang and/or Pan:

“a hollow (2) pointed downwards and towards an inside of the container and disposed in said shell; “

“a spherical projection (3), pointed upwards, and disposed in the hollow;”

“a valve head (6) formed as a circular plate (7) attached on a lower side in a middle to an end of a cylindrical stem and wherein the cylindrical stem is moveably supported in the opening (5);”

“a gasket (9) disposed on the bottom of the cylindrical cavity;”

“an edge (8) disposed on the circular plate (7) and having a triangular cross-section for engaging with the gasket (9), wherein the gasket (9) and the edge (8) disposed on the circular plate (7) form a vacuum valve.”.

Claim 13 requires the following features:

“a sleeve (10) ending with the flange (11) with distancing projections in the form of radial ribs,” and “the head valve is installed loosely in the opening (5) by means of the sleeve (10).”. Each feature patentably distinguishes the present invention over the references Yang and/or Pan.

Claim 14 contains the following clause:

“a pin (12) disposed on the circular plate (7) on an upper side of the circular plate (7) disposed opposite to the cylindrical stem and wherein the pin (12) extends beyond the circular plate (7).”. The clause specifies the location of the pin (12) and thereby clearly distinguishes over the references Yang and/or Pan.

Claim 15 requires that “a bonnet (13) disposed below a bottom end of the cylindrical stem;”, and “distancing ribs (14) attached to the bonnet (13)..”. Both

clauses of claim 15 patentably distinguish claim 15 over the references Yang and/or Pan.

Claim 16 makes the requirements that “the gasket (8) is ring shaped,”, “the gasket (9) surrounds the cylindrical stem,”, and ”the gasket (9) is seated at the bottom of the cylindrical cavity (4)”. All these requirements patentably distinguish claim 16 over the references Yang and Pan.

Claim 17 reads: “wherein the spherical projection (3) includes an inner ring and an outer ring and wherein a free end of the bonnet engages between the inner ring and the outer ring.”. The language of claim 17 defines the present invention clearly over the references Yang and/or Pan.

Claim 18 contains the limitations that “the cylindrical stem and the circular plate (7) are disposed axially aligned with the cylindrical cavity (4)” and that “the edge (8) of the circular plate (7) is axially aligned with the gasket (9)”. Each of these two clauses patentably distinguishes claim 18 over the references Yang and/or Pan.

Claim 19 sets forth the shape of the hollow: “the hollow (2) has an elliptical outline.”. The references Yang and/or Pan fail to teach or suggest such practical shape.

Reconsideration of all outstanding rejections is respectfully requested.

All claims 1 to 19 presently submitted are deemed to be in form for allowance and an early notice of allowance is earnestly solicited.

Respectfully submitted,

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